



## Routes of Appeal

This leaflet explains what you need to do in order to comply with Part 52 of the Civil Procedure Rules and the Practice Direction which supplements that Part.

### Which court is the Appeal Court?

The appeal court is the court to which an appeal is made. The route of appeal depends on:

- the type of case
- the court from whose decision the appeal is brought ('the lower court')
- who made that decision (e.g. a district judge or a circuit judge) and the type of decision.

This leaflet seeks to provide general guidance on the routes of appeal. It does not and cannot provide authoritative guidance.

You must make sure you file your appellant's notice in the correct appeal court.

### Family proceedings

The circuit judge of a county court is the appeal court where the decision being appealed was made by a district judge sitting in a county court.

A High Court Judge of the Family Division is the appeal court where the decision being appealed was made by a district judge sitting in the Principal Registry of the Family Division.

The Court of Appeal is the appeal court where the decision being appealed was made by:

- a circuit judge sitting in a county court or as a judge of the Family Division of the High Court
- a High Court Judge.

## Multi-track claims and specialist proceedings

The multi-track is the track for claims which are neither small claims nor cases which are allocated to the fast track. After allocation to the multi-track the court gives directions for the management of the case or fixes a case management conference or pre-trial review.

If you are unsure which track your claim was allocated to you may need to check with the court where the decision was made.

Where a district judge or circuit judge in a county court or a Master or a High Court Judge in the High Court gives the **final decision** in a multi-track claim, the Court of Appeal is the appeal court. A 'final decision' disposes of the claim and includes the assessment of damages; it does not include a decision only on costs.

The same route of appeal applies where a **final decision is given in specialist proceedings** such as:

- Admiralty proceedings
- Arbitration proceedings
- Commercial and mercantile actions
- Patents Court Business
- Technology and Construction Court Business
- Proceedings under the Companies Acts 1985 and 1989 and
- Contentious probate proceedings.

Permission to appeal is required for such appeals.

Where the **decision given does not dispose of the claim** e.g.:

- a case management decision
- an order which strikes out the proceedings, or
- an order giving summary judgment under the Civil Procedure Rules (CPR), Part 24

then the route of appeal depends on the type of judge which made the order being appealed.

Judge making order	Appeal Court
District judge in county court	Circuit judge in county court
Circuit judge in county court	High Court Judge
District judge in District Registry	High Court Judge
Master in High Court	High Court Judge
High Court Judge	Court of Appeal

Permission to appeal is required. If the appeal court refuses permission without a hearing, a request may be made for an oral hearing to that court.

If at a hearing the appeal court refuses permission to appeal, then no further right of appeal exists.

## **Other civil proceedings in the county courts and High Court**

In the following types of proceedings the Court of Appeal is very unlikely to be the appeal court.

### **Small Claims**

The small claims track is the normal track for:

- any claim for personal injuries where the financial value of the claim is not more than £5000 and the financial value of the claim for damages for personal injuries is not more than £1000
- any claim which includes a claim by a tenant of residential premises to require the landlord to carry out repairs and the costs of the repairs is estimated to be not more than £1000
- any other claim which has a financial value of not more than £5000.

The circuit judge is the appeal court where the decision being appealed was made by a district judge hearing a claim allocated to the small claims track.

Where, exceptionally, a circuit judge hears a claim allocated to the small claims track, a High Court Judge is the appeal court.

### **Fast Track Claims**

The fast track is the normal track for any claim for which:

- the small claims track is not the normal track
- the financial value of the claim is not more than £15,000
- the court considers that the trial is likely to last for no longer than one day
- oral expert evidence will be limited to two expert fields.

The circuit judge is the appeal court where the decision being appealed was made by a district judge hearing a claim allocated to the fast track. Permission to appeal is required for such an appeal.

If the circuit judge refuses permission to appeal without a hearing, a request may be made for an oral hearing to that court. If, at a hearing, the circuit judge refuses permission to appeal to himself, no further right of appeal exists.

The High Court Judge is the appeal court where the decision being appealed was made by a circuit judge hearing a claim allocated to the fast track. Permission to appeal is required for such an appeal.

## Part 8 Claims

This section applies where the claimant uses the Part 8 procedure and the Part 8 claim Form N208 (or another form as required by the Practice Direction which supplements CPR Part 8). The Part 8 procedure is used for claims such as:

- claims under the Landlord and Tenant Acts 1927, 1954, 1985 and 1987,
- claims brought under certain Acts of Parliament eg the Housing Act 1996, the Protection from Harassment Act 1997.

The circuit judge is the appeal court where the decision being appealed was made by a district judge hearing a Part 8 claim. Permission to appeal is required for such an appeal.

If the circuit judge refuses permission to appeal without a hearing, a request may be made for an oral hearing. If, at a hearing, the circuit judge refuses permission to appeal himself, no further right of appeal exists.

The High Court Judge is the appeal court where the decision being appealed was made by a circuit judge hearing a Part 8 claim. Permission to appeal is required for such an appeal.

## Second Appeals

A right to a second appeal only exists in exceptional cases, and there is a tougher test to overcome. In a second appeal, an appeal may only be made to the Court of Appeal if that Court considers that the appeal would raise an important point of principle or practice or that there is some other compelling reason for the Court of Appeal to hear it. Permission to appeal is required for an appeal to the Court of Appeal from the Court of Appeal itself.

Consider **before** you pay the court fee, whether you will be able to satisfy the tougher test for permission and wish your application to go forward. The fee will not be refunded if your application is not successful.

NB: You only have a right to a second appeal if the court which dealt with a first appeal heard a full appeal from an earlier order **not** if it refused you permission to appeal from a lower court at an oral hearing (see next page).

## Refusal of permission to appeal by the Appeal Court

Where an appeal court refuses permission to appeal to itself at an oral hearing, there is no further appeal against that decision to any court (section 54(4) Access to Justice Act 1999).

## Appeal/Hearing centres

Where a circuit judge sitting in a county court refuses permission to appeal from a district judge but makes a separate order (e.g. for costs) at the hearing of the application for permission to appeal, that separate order may be appealed. Permission to appeal is required for such an appeal. The High Court Judge in certain circumstances (not the Court of Appeal) is the appeal court where the decision being appealed was a separate order made by a circuit judge refusing permission to appeal from a district judge.

Where the High Court is the appeal court the appellant's notice must be filed in the appeal centre on the Circuit in which the lower court is situated, where the appeal may be managed and heard. An appeal may be transferred to a hearing only centre for hearing by an order made at an appeal centre. An appeal may also be transferred to another appeal centre.

The following table shows the appeal centres and hearing only centres for each Circuit.

Circuit	Appeal Centres	Hearing Only Centres
Midland Circuit	Birmingham Nottingham	Lincoln Leicester Northampton Stafford
North Eastern Circuit	Leeds Newcastle Sheffield	Teeside
Northern Circuit	Manchester Liverpool Preston	Carlisle
Wales and Chester Circuit	Cardiff Swansea Chester	–
Western Circuit	Bristol Exeter Winchester	Truro Plymouth

South Eastern Circuit	Royal Courts of Justice Lewes Luton Norwich Reading Chelmsford St Albans Maidstone Oxford	
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